

REFERENCE TITLE: support clearinghouse; fees

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1194

Introduced by
Senator Allen

AN ACT

AMENDING SECTIONS 25-510 AND 46-441, ARIZONA REVISED STATUTES; RELATING TO CHILD SUPPORT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 25-510, Arizona Revised Statutes, is amended to
3 read:

4 25-510. Receiving and disbursing support and maintenance monies

5 A. The support payment clearinghouse established pursuant to section
6 46-441 shall receive and disburse all monies, including fees and costs,
7 applicable to support and maintenance unless the court has ordered that
8 support or maintenance be paid directly to the party entitled to receive the
9 support or maintenance. Within two business days the clerk of the superior
10 court shall transmit to the support payment clearinghouse any maintenance and
11 support payments received by the clerk. Monies received by the support
12 payment clearinghouse in cases not enforced by the state pursuant to title
13 IV-D of the social security act shall be distributed in the following
14 priority:

15 1. Current child support or current court ordered payments for the
16 support of a family when combined with the child support obligation.

17 2. Current spousal maintenance.

18 3. The current monthly fee prescribed in subsection D of this section
19 to cover the cost of handling support or spousal maintenance payments.

20 4. Past due support reduced to judgment and then to associated
21 interest.

22 5. Past due spousal maintenance reduced to judgment and then to
23 associated interest.

24 6. Past due support not reduced to judgment and then to associated
25 interest.

26 7. Past due spousal maintenance not reduced to judgment and then to
27 associated interest.

28 8. Past due amounts of the fee prescribed in subsection D of this
29 section to cover the cost of handling support or spousal maintenance
30 payments.

31 B. In any proceeding under this chapter regarding a duty of support,
32 the records of payments maintained by the clerk or the support payment
33 clearinghouse are prima facie evidence of all payments made and disbursed to
34 the person or agency to whom the support payment is to be made and are
35 rebuttable only by a specific evidentiary showing to the contrary.

36 C. At no cost to the clerk of the superior court, the department shall
37 provide electronic access to all records of payments maintained by the
38 support payment clearinghouse, and the clerk shall use this information to
39 provide payment histories to all litigants, attorneys and interested persons
40 and the court. For all non-title IV-D support cases, the clerk shall load
41 new orders, modify order amounts, respond to payment inquiries, research
42 payment related issues, release payments pursuant to orders of the court and
43 update demographic and new employer information. The clerk shall forward
44 orders of assignment to employers for non-title IV-D support orders. Within
45 five business days the clerk shall provide to the department any new address,

1 order of assignment or employment information the clerk receives regarding
2 any support order. The information shall be provided as prescribed by the
3 department of economic security in consultation with the administrative
4 office of the courts.

5 D. **TO COVER THE COST OF HANDLING SUPPORT AND MAINTENANCE PAYMENTS**, the
6 support payment clearinghouse shall receive a ~~monthly~~ fee of two dollars
7 twenty-five cents ~~to cover the cost of handling support and maintenance~~
8 ~~payments~~ PER MONTH FROM PAYORS WHO MAKE AT LEAST ONE SUPPORT PAYMENT EACH
9 MONTH AND A FEE OF TWO DOLLARS TWENTY-FIVE CENTS PER PAYMENT FROM PAYORS WHO
10 MAKE PAYMENTS IN ADVANCE COVERING MORE THAN ONE MONTH. The court shall order
11 payment of the handling fee as part of the order for support or maintenance.
12 The handling fee shall not be deducted from the support or maintenance
13 portion of the payment.

14 Sec. 2. Section 46-441, Arizona Revised Statutes, is amended to read:
15 **46-441. Support payment clearinghouse; records transfer;**
16 **payment; definition**

17 A. The department shall establish a central support payment
18 clearinghouse to receive, disburse and monitor support payments pursuant to
19 title IV-D of the social security act.

20 B. Unless the court orders that support or maintenance be paid
21 directly to the party entitled to receive it, all orders for support shall
22 direct payment of support or maintenance through the support payment
23 clearinghouse. All orders that specify payments through the clerk of the
24 superior court shall be deemed to require payment to the support payment
25 clearinghouse after a notice to the obligor is issued.

26 C. The clerk of the superior court shall provide copies of all payment
27 histories and relevant legal documents pertaining to the issue of support.

28 D. On request the support payment clearinghouse shall promptly furnish
29 to the person entitled to receive support or maintenance information on the
30 current status of payments received and processed through the support payment
31 clearinghouse.

32 E. Support payments and handling fees in an amount prescribed in
33 section 25-510 for the ~~monthly~~ support handling fee shall be paid to the
34 support payment clearinghouse. The director shall deposit, pursuant to
35 sections 35-146 and 35-147, the handling fees received by the department in a
36 child support enforcement administration fund.

37 F. If after reasonable efforts to locate the obligee the support
38 payment clearinghouse is unable to deliver payments for the period
39 prescribed in section 25-503 due to the failure of the person to whom the
40 support has been ordered to be paid to notify the clerk or support payment
41 clearinghouse of a change in address, the clerk or support payment
42 clearinghouse shall not make further payment and shall return the payments to
43 the obligor as prescribed in section 25-503.

1 G. The support payment clearinghouse shall have an accounting system
2 for monitoring child support payments. The records of the support payment
3 clearinghouse are *prima facie* evidence of payment or nonpayment of support.

4 H. Payment of any money directly to an obligee or to a person other
5 than the support payment clearinghouse shall not be credited against the
6 support obligation unless the direct payments were ordered by the court, or
7 made pursuant to a written support agreement by the parties.

8 I. The support payment clearinghouse shall issue copies of payment
9 histories for payments received and processed through the support payment
10 clearinghouse on request and may charge a fee for these services.

11 J. For the purposes of this section, "support" has the same meaning
12 prescribed in section 25-500.